

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

LANORRIS MOORE,

Plaintiff,

v.

STATE OF GEORGIA,

Defendant.

CIVIL ACTION NO.
5:23-cv-00442-TES-MSH

ORDER OF DISMISSAL

Plaintiff Lanorris Moore, a prisoner in Smith State Prison in Glennville, Georgia, filed a Complaint, alleging violations of his civil rights under 42 U.S.C. § 1983. [Doc. 1]. Plaintiff did not either pay the filing fee or move for leave to proceed in this action *in forma pauperis*. Therefore, the United States Magistrate Judge ordered Plaintiff to either pay the full filing fee or file a proper and complete motion for leave to proceed *in forma pauperis* if he wanted to proceed with this action. [Doc. 3]. The magistrate judge also ordered Plaintiff to recast his complaint. [*Id.*]. The magistrate judge gave Plaintiff 14 days to take these actions and cautioned Plaintiff that his failure to do so could result in the dismissal of this case. [*Id.*].

More than 14 days passed after the magistrate judge entered that order, and Plaintiff did not file a recast complaint, pay the filing fee, move for leave to proceed *in forma pauperis*, or otherwise respond to the order. As a result, the magistrate judge

ordered Plaintiff to show cause why the Court should not dismiss this case based on his failure to comply with the earlier order. [Doc. 4]. The magistrate judge gave Plaintiff another 14 days to respond and cautioned him that his failure to do so would likely result in the Court dismissing this action. [*Id.*].

Again, more than 14 days have now passed since the magistrate judge issued the show cause order, and Plaintiff has not responded to that either. Thus, because Plaintiff has failed to comply with the previous orders or to otherwise prosecute his case, the Court now **DISMISSES** his Complaint [Doc. 1] **without prejudice**. *See* Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 8th day of February, 2024.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT